

MONTANA LEGISLATIVE HISTORY

Chapter 220 1977

Bill H _____ S 356

Original bill & history ☒ C

H. Committee on Judiciary

Hearing Date(s) 3-7 _____ C

_____ C

_____ C

_____ C

Date Out 3-7 _____ C

S. Committee on Judiciary

Hearing Date(s) 2-11 _____ C

2-14 _____ C

_____ C

_____ C

DATE OUT 2-14

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

1 *Senator* BILL NO. *356*
2 INTRODUCED BY *Turnage* *John Robert*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A
5 STATUTE OF LIMITATIONS FOR LEGAL MALPRACTICE ACTIONS AND
6 PROVIDING AN IMMEDIATE EFFECTIVE DATE."
7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Definitions. As used in this act, the
10 following definitions apply:

11 (1) "Attorney" means a person who is licensed to
12 practice law by the supreme court of the state of Montana.

13 (2) "Paralegal assistant" means a person employed by
14 an attorney within the state of Montana who has successfully
15 completed a program of study in paralegal training and holds
16 himself out to be a paralegal.

17 (3) "Legal intern" means a person attending a law
18 school accredited by the American bar association who is
19 employed by an attorney with the state of Montana.

20 Section 2. Actions for legal malpractice. An action
21 against an attorney, a paralegal assistant, or a legal
22 intern based upon the person's alleged professional
23 negligent act or for error or omission in the person's
24 practice must be commenced within 3 years after the
25 plaintiff discovers, or through the use of reasonable

1 diligence should have discovered the act, error, or
2 omission, whichever occurs last, but in no case may the
3 action be commenced after 10 years from the date of the act,
4 error, or omission.
5 Section 3. Effective date. This act is effective on
6 its passage and approval.

-End-

INTRODUCED BILL

1977

COMMITTEE ON JUDICIARY

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
S.B. 274	1-25-77	Trsfd. out 1-28-77							
S.B. 278	1-26-77	2-8-77	2-14-77		2-14-77				
S.B. 301	1-26-77	2-8-77	2-17-77	2-17-77					
S.B. 311	1-27-77	2-11-77	2-18-77			2-18-77			
S.B. 318	1-28-77	2-9-77	2-15-77			2-15-77			
S.B. 326	1-28-77	2-7-77	2-7-77			2-7-77			
S.B. 332	1-29-77	2-10-77	2-12-77		2-12-77				
S.B. 335	1-29-77	2-7-77	2-18-77			2-18-77			
S.B. 337	1-29-77	2-14-77	2-14-77		2-14-77				
S.B. 338	1-29-77	2-14-77	2-14-77		2-14-77				
S.B. 339	1-29-77	2-10-77	2-10-77			2-10-77			
S.B. 343	1-29-77	2-14-77	2-14-77		2-14-77				
S.B. 356	2-14-77	2-14-77	2-14-77			2-14-77			
S.B. 369	2-1-77	2-9-77	2-14-77		2-14-77				
S.B. 385	2-3-77	2-17-77	2-18-77	2-18-77					
S.B. 393	2-14-77	2-17-77	2-18-77		2-18-77				

(Use Separate Sheet for Senate, House Bills, and Resolutions)

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
February 11, 1977

The meeting of this committee was called to order by Senator Turnage, Chairman, at 9:30 a.m. on the above date in Room 442 of the State Capitol Building.

ROLL CALL:

All members of the committee were present with Senators Towe and Murray arriving late from other meetings.

WITNESSES PRESENT TO TESTIFY:

Joseph P. Mazurek - attorney with law firm of Gough, Booth, Shanahan & Johnson - Helena, representing Catholic Charities
Allen Cain - Helena attorney, representing the Montana Children's Home
Russ McKenzie - Great Falls attorney, representing the Lutheran Social Services
Robert Weber - attorney for SRS
Tom Honzel - Deputy County Attorney, Lewis & Clark County
Hutchinson - attorney, Montana Legal Services

CONSIDERATION OF SENATE BILL 311:

Since Senator Turnage, Chairman of this committee, had introduced this bill, he had Senator Roberts, Vice-Chairman, preside over this meeting at this time.

Joseph Mazurek, an attorney with the law firm of Gough, Booth, Shanahan & Johnson, who represent Catholic Charities, Inc., was the first proponent to testify. He read a prepared statement in support of this bill. (See Exhibit 1)

The next proponent was Allen Cain, a Helena attorney who represents the Montana Children's Home, who said that their chief interest is in placing a child for adoption as soon as possible after birth in a home for the good of the child. He suggest an amendment to page 7, lines 10, 11 and 12. (See Exhibit 2)

The next proponent was Russ McKenzie, a Great Falls attorney, representing the Lutheran Social Services, who said that this bill will eliminate the problem of waiting too long for the father to say if he is interested in giving the child parental care.

The next proponent to testify was Richard Weber, an attorney for the department of SRS, who said that they are satisfied that this bill will solve many of the problems encountered by the agency in these matters.

Tom Honzel, Deputy County Attorney for Lewis & Clark County, said that they handle most of the adoptions in this county and that

they believe that this bill will eliminate many of the problems encountered due to the rights of fathers.

There being no more proponents of S.B. 311 to testify, the opponents were allowed to begin their testimony. The first opponent was William D. Hutchison, attorney, Montana Legal Services, who said that he felt the question of parental rights might be challenged by state agencies. He said that he recognized that there are problems being faced by adoption agencies at the present time and that his main objection is to the standard set forth which imposes upon the courts the implementing and determining of the father's rights. He further said that the problem is in utilizing this to the best interest of the child and that he fears that the courts will look at who is more likely to provide parental care. He also said that custody is not the issue; it is whether the father wishes to retain his parental rights.

Mr. Allen Cain was allowed by the Chairman to respond to the last comment of Mr. Hutchison and he said that he knows of only one instance in which the father came in and actually sought parental rights since this law became effective. He further said that not many fathers are interested in claiming parental rights and that he believes the only workable standard is to allow the courts to make the decision on parental rights.

At this time, 10:15 a.m., Senator Murray arrived in committee from another meeting.

Mr. Hutchinson, the opponent of S.B. 311 who had last testified, said that this bill is better than the current law.

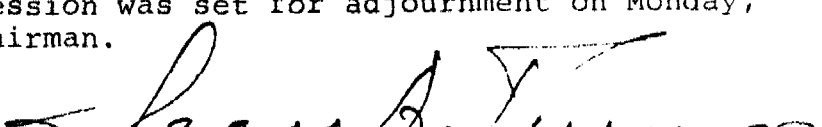
CONSIDERATION OF SENATE BILL 356:

This bill was also sponsored by Senator Turnage, Chairman of this committee, so Senator Roberts, Vice-Chairman, again was acting Chairman. He asked Greg Morgan, representing the Montana Bar Association, to explain the bill.

John Larson, a Butte attorney, testified as a proponent of S.B. 356, saying that through this bill they hoped to obtain the right to pursue the legal code of ethics. However, he said that many states do not allow attorneys right out of law school to be covered by malpractice insurance.

At this time, Senator Roberts allowed the committee to question the witness. It was brought out during the questioning that medical malpractice is 5 years after discovery and that architectural malpractice is 10 years after discovery. Greg Morgan told the committee that the State Bar does not want to change the present law regarding minors.

There being no further business, the committee adjourned at 11:00 a.m.. An executive session was set for adjournment on Monday, February 14, 1977, by the Chairman.



ROLL CALL

JUDICIARY COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 11/11/11

[illegible]

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
February 14, 1977

The second meeting of the committee on the above date was called to order by Senator Turnage, Chairman, at 4:45 p.m. in Room 415 of the State Capitol Building. The purpose of this meeting was to take executive action on Senate bills.

EXECUTIVE SESSION

The following action was taken on Senate Bills:

- 343 - Senator Towe moved DO NOT PASS. Motion carried unanimously
- 337 - Senator Roberts moved DO PASS. Motion withdrawn.
Senator Towe moved DO NOT PASS. Motion carried with
Senator Regan voting "No".
- 338 - Senator Regan moved DO NOT PASS. Motion carried with
Senator Roberts and Senator Towe voting "No".
- 356 - Senator Towe moved to amend (see attached amendments -
Ex. #1). Senator Warden moved as amended DO PASS. The
motion carried unanimously.
- 369 - Senator Regan moved DO NOT PASS. The motion carried
with Senator Olson voting "No".
- SJR 28 - Senator Roberts moved that SJR 28 BE ADOPTED. The
motion carried unanimously.
- 210 - Senator Roberts moved DO NOT PASS with the explanation
being that this bill is to be considered within the
scope of SJR 28. The motion carried with Senator Towe
voting "No".
- 278 - Senator Roberts move DO NOT PASS with the explanation
being that this bill is to be considered within the
scope of SJR 28. The motion carried with Senator Towe
voting "No".
- 180 - Senator Regan moved DO NOT PASS. The motion carried
with Senator Towe voting "No".
- 182 - Senator Towe moved that the attached amendments (Ex. #2)
be adopted. The motion carried unanimously.
Senator Warden moved to amend page 4, section 6, following
line 9. The motion carried but was withdrawn by Senator
Warden.
Senator Roberts moved that S.B. 182 as amended DO PASS.
The motion carried with Senator Towe voting "No".
- 185 - Senator Regan moved DO NOT PASS. The motion carried with

4:45 p.m.

JUDICIARY

COMMITTEE

Date 4/4/22

Date 4/4/22

[illegible]

SENATE
the introduced bill, be amended as follows:

(67-1)

1. Amend title, line 6.

Following: line 5

Strike: "PROVIDING AN IMMEDIATE EFFECTIVE DATE"

Insert: "TO CLARIFY THE EFFECT OF DISABILITIES ON STATUTES OF LIMITATIONS;
AMENDING SECTION 93-2703, R.C.M. 1947"

2. Amend page 1, section 1, lines 9 through 19.

Following: line 8

Strike: section 1 in its entirety

Renumber: subsequent section

3. Amend page 1, section 2, line 20.

Following: "Section 2."

Insert: "There is a new R.C.M. section numbered 93-2625 that reads as follows:
'93-2625.'"

4. Amend page 1, section 2, line 21.

~~XXXXXX~~ Following: "attorney"

Insert: "licensed to practice law in Montana"

Following: "attorney,"

Insert: "or"

~~XXXXXX~~

Following: "assistant"

Strike: ","

5. Amend page 1, section 2, line 22.

Following: "intern"

Insert: "employed by an attorney,"

6. Amend page 2, section 2, line 4.

Following: "omission."

Insert: " , "

Following: line 4.

Insert: "Section 2. Section 93-2703, R.C.M. 1947, is amended to read as follows:

'93-2703. Exception as to persons under disabilities. If a person entitled to bring an action, mentioned in sections-93-2601-to-93-2609-or-sections-93-2613-to-93-2618, Title 93, chapter 26, be, at the time the cause of action accrued, either:

1. Within the age of majority; or,

2. Insane; or,

3. Imprisoned on a criminal charge, or in execution under the sentence of a criminal court for a term less than for life; the time of such disability is not a part of the time limited in sections 93-2401 to 93-2720 for commencing the action; except that the time so limited cannot be extended more than five years by any such disability, except infancy; or, in any case, more than one year after the disability ceases."

7. Amend page 2, section 3, lines 5 and 6.

Following: line 4

Strike: section 3 in its entirety

JUDICIARY

COMMITTEE

45th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 339	Providing that in prosecution for rape failure to make a timely complaint does not raise any presumption of credibility of the victim.	2-19	Regan	March 7 Monday	concurred in	3-7
SJR 28	Requesting a study of the sentencing provisions of the Montana Criminal Code of 1973.	2-21	Thomas	March 4th	<u>table</u> concurred in	3-8 4/8
SJR 19	Requesting a study of legislation to compensate victims of crime.	2-22	Lockrem	March 4th	not concurred rereferred <u>table</u> concurred in	3/8 3/10 3/10 4/14
SB 37	Requiring administrative rules to conform with legislative intent.	2-22	Turnage	March 7 Monday	concurred in amended	3/25
SB 356	Providing a statute of limitations for legal malpractice actions.	2-22	Turnage	March 7 Monday	concurred in	3-7
SB 395	Providing that a highway patrolman receive regular duty pay while responding to a subpoena in connection with his duties.	2-22	Mehrens	March 7	taken by chief clerk office March 4	

45th Legislature

SB 0356/02

SENATE BILL NO. 356

INTRODUCED BY TURNAGE, TOWE, ROBERTS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A
 STATUTE OF LIMITATIONS FOR LEGAL MALPRACTICE ACTIONS AND
~~PROVIDING AN IMMEDIATE EFFECTIVE DATE TO CLARIFY THE EFFECT~~
~~OF DISABILITIES ON STATUTES OF LIMITATIONS; AMENDING SECTION~~
~~93-2703, R.C.M. 1947."~~

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

~~Section 1. Definitions. As used in this act, the~~
~~following definitions apply:~~

~~(1) "Attorney" means a person who is licensed to~~
~~practice law by the supreme court of the state of Montana;~~

~~(2) "Paralegal assistant" means a person employed by~~
~~an attorney within the state of Montana who has successfully~~
~~completed a program of study in paralegal training and holds~~
~~himself out to be a paralegal;~~

~~(3) "Legal intern" means a person attending a law~~
~~school accredited by the American bar association who is~~
~~employed by an attorney with the state of Montana;~~

Section 1. THERE IS A NEW R.C.M. SECTION NUMBERED
93-2625 THAT READS AS FOLLOWS:

23-2625. Actions for legal malpractice. An action
against an attorney LICENSED TO PRACTICE LAW IN MONTANA, OR

a paralegal assistant, or a legal intern EMPLOYED BY AN
ATTORNEY, based upon the person's alleged professional
 negligent act or for error or omission in the person's
 practice must be commenced within 3 years after the
 plaintiff discovers, or through the use of reasonable
 diligence should have discovered the act, error, or
 omission, whichever occurs last, but in no case may the
 action be commenced after 10 years from the date of the act,
 error, or omission.

SECTION 2. SECTION 93-2703, R.C.M. 1947, IS AMENDED TO
READ AS FOLLOWS:

"93-2703. Exception as to persons under disabilities.
 If a person entitled to bring an action, mentioned in
~~sections 93-2601 to 93-2609 or sections 93-2613 to 93-2618,~~
Title 93, chapter 26, be, at the time the cause of action
 accrued, either:

1. Within the age of majority; or,
 2. Insane; or,
 3. Imprisoned on a criminal charge, or in execution
 under the sentence of a criminal court for a term less than
 for life;
- the time of such disability is not a part of the time
 limited in sections 93-2401 to 93-2720 for commencing the
 action; except that the time so limited cannot be extended
 more than five years by any such disability, except infancy;

1 or, in any case, more than one year after the disability
2 ceases."

3 ~~Section 3e--Effective date. This act is effective on~~
4 ~~its passage and approval~~

-End-

JUDICIARY COMMITTEE

March 7, 1977

The regular meeting of the House Judiciary Committee was called to order by Chairman Scully at 7:30 a.m. in room 436 of the Capitol Building, Helena, Montana on Monday. All members were present except Representative Teague, who came in later.

Scheduled for hearing were Senate Bills 92, 230, 339, 398, 37, and 356.

SENATE BILL #339:

SENATOR REGAN, DISTRICT #31:

This bill addresses the problem of a woman who has been raped and does not immediately file charges. Evidence of failure to file charges or make an immediate outcry does not raise any presumption as to lack of credibility of the victim.

There were no other proponents, no opponents and the hearing closed on Senate Bill 339.

SENATE BILL #230:

SENATOR McCALLUM, DISTRICT #12:

This bill provides for time of filing or paying upon mailing, for proof of such mailing, and for filing or paying on nonbusiness days, such as if payment falls upon a Saturday, Sunday, or legal holiday, such filing is timely if performed on the next business day. This does not apply to documents accepted with the secretary of state.

GORDON MCGOWAN, MONTANA RAILROAD ASSOCIATION:

The mail service does not seem to be as good as it used to be. He went on to talk about mail not being delivered, tax notices lost or late in arriving, etc.

JO ANN WOODGERD, SECRETARY OF STATES OFFICE:

We feel we have to accept the postmark for the date of receipt rather than the date of mailing.

There was some general discussion about mail service, delivery of tax notices, or failure to deliver, etc.

The hearing closed on Senate Bill 230.

THE HEARING OPENED ON SENATE BILL 92:

SENATOR THIESSON, DISTRICT #27:

This bill sets up a governing board, and amends the duties of the board and the librarian. It also deletes the section of specific duties. The repealer will repeal section 4 of the law. It puts the

March 7, 1977

Page 3

ROD GUDGEL, MNHA and MSPA:

I am representing two organizations and we support this legislation. This kind of legislation would clear up the question of what is the intent. On page 3, lines 22 and 23, the presumption here has been that this administrative code committee will be in existence.

There were no other proponents and no opponents.

REPRESENTATIVE RAMIREZ:

Is there any way that we could have control over the statement of intent.

A discussion followed about the intent, how it should be stated and what was actually intended, etc.

The hearing closed on House Bill #37.

THE HEARING OPENED ON HOUSE BILL #356:

SENATOR TURNAGE, DISTRICT #13:

This will provide for a statute of limitations for legal malpractice actions and clarify the effect of disabilities on statutes of limitation. It expands the 2 years to 3. In no case may the action be commenced after 10 years except in special cases. He went on to explain the bill and detail the sections concerning persons under disabilities.

GREG MORGAN, STATE BAR OF MONTANA:

We asked Senator Turnage to introduce this. We do support the bill. We have extended the length of time in which an action can be filed, from 2 years to 3 years. The discovery states the statute of limitation running in Montana. This bill was necessary because of the change in the legal malpractice.

REPRESENTATIVE HAND asked about the statute of limitations. Discussion followed.

MR. MORGAN:

We would like to have the action cut off in 10 years.

A general discussion followed about the cut-off time, and the original section that was deleted. The question was also raised as to the way it might pertain to juveniles.

MR. MORGAN stated that the purpose of the bill is the 10 year limit.

REPRESENTATIVE RAMIREZ:

Isn't this really an actuarial problem for the insurance companies?

Discussion followed about this, and that perhaps mentally disabled should be added to the section on disabilities.

The hearing closed on Senate Bill 356.

JUDICIARY COMMITTEE
EXECUTIVE SESSION

March 7, 1977

The committee went into executive session at 8:20 a.m. on Monday March 7, 1977 in room 436 of the Capitol Building, Helena, Montana. Chairman Scully presided. All members were present with the exception of Representative Teague, absent.

SENATE BILL #92:

REPRESENTATIVE DAY moved to amend lines 14 through 19. After some discussion the motion failed with Representatives Courtney and Day voting "aye".

REPRESENTATIVE HOLMES moved "be concurred in".

The motion carried with Representative Day voting "no".

SENATE BILL #230:

Chairman Scully asked that Senator McCallum be contacted about explaining the mailing portion of the bill.

SENATE BILL #339:

REPRESENTATIVE HOLMES moved "be concurred in".

The motion carried with the vote unanimous.

SENATE BILL #30:

REPRESENTATIVE HAND moved "be concurred in".

There was some discussion about the bill being in conflict with another section. The question was then called.

The motion carried with the vote unanimous.

CHAIRMAN SCULLY had to leave to attend his hearing in the Senate on one of his bills. Representative Lory took over the chair.

The hearing was then held on Senate Bill #37 (contained in the regular minutes of the committee).

The executive session resumed at 9:15 a.m.

SENATE BILL #398:

There was general discussion about the meaning of homestead as contained in this bill.

REPRESENTATIVE EUDAILY moved "be concurred in".

REPRESENTATIVE DAY moved to amend lines 15 and 19 to raise the amount of exemption. The motion failed with Representatives Keyser, Day and Dussault voting "yes".

The motion of the original "be concurred in" carried with the vote unanimous.

SENATE BILL #356:

REPRESENTATIVE EUDAILY moved to amend page 2, line 18. Representative Dussault led a discussion about amending to add a new sub-section.

The motion to amend failed.

REPRESENTATIVE TEAGUE came in.

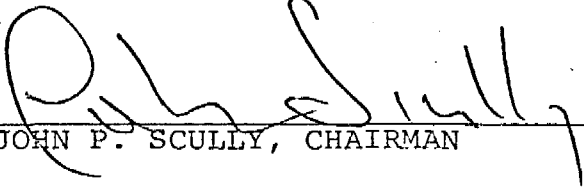
Executive session
March 7, 1977
Page 2

REPRESENTATIVE CONROY moved "be concurred in".
The motion carried with Representatives Baeth and Dussault voting "no".

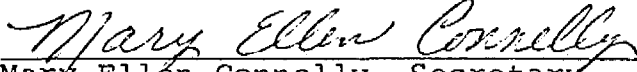
SENATE BILL #414:
REPRESENTATIVE ROTH moved "be concurred in".
The motion carried with Representative Holmes, Courtney and Eudaily voting "no".

SENATE BILL #405:
REPRESENTATIVE EUDAILY moved to amend in three places, the title, lines 11 and 15. The motion carried with the vote unanimous.
REPRESENTATIVE EUDAILY moved "be concurred in as amended".
The motion carried with the vote unanimous. (copy attached)

The meeting adjourned at 10:50 a.m.



JOHN P. SCULLY, CHAIRMAN



Mary Ellen Connelly, Secretary

Laws and Resolutions
OF THE
STATE OF MONTANA

ENACTED BY THE

Forty-Fifth Legislature

In Regular Session **AUG 15 1977**

Session

MONTANA
STATE LAW LIBRARY

Held at Helena, the Seat of Government

Regular Session

January 3, 1977 to April 19, 1977

COMPILED BY MONTANA LEGISLATIVE COUNCIL

convicted of a second offense of endangering welfare of children shall be fined not to exceed one thousand dollars (\$1,000) or be imprisoned in the county jail for any term not to exceed six (6) months, or both.

(4) Evidence. On the issue of whether there has been a violation of the duty of care, protection, and support, the following in addition to all other admissible evidence, shall be admissible: cruel treatment, abuse, infliction of unnecessary and cruel punishment, abandonment, neglect, lack of proper medical care, clothing, shelter and food; evidence of past bodily injury.

(5) The court may order, in its discretion, any fine levied or any bond forfeited upon a charge of endangering welfare of children paid to or for the benefit of the person or persons whose welfare the defendant has endangered."

Approved April 4, 1977.

CHAPTER NO. 219

AN ACT TO PROVIDE FOR THE NONPARTISAN ELECTION OF CITY JUDGES UNDER THE COMMISSION-MANAGER FORM OF GOVERNMENT AND TO PROVIDE FOR A 4-YEAR TERM FOR SUCH CITY JUDGES; PROVIDING FOR THE INITIAL ELECTION; PROVIDING FOR QUALIFICATION OF A CITY JUDGE; PROVIDING FOR FILLING A VACANCY IN THE OFFICE OF CITY JUDGE; AMENDING SECTION 11-3271, R.C.M. 1947; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 11-3271, R.C.M. 1947, is amended to read as follows:

"11-3271. Election and term of city judge. *In each municipality having a commission-manager form of government, a city judge shall be elected every 4 years in a nonpartisan election held in conjunction with the regularly scheduled municipal election. The city judge shall hold office for a term of 4 years."*

Section 2. There is a new R.C.M. section numbered 11-3271.1 that reads as follows:

11-3271.1. Qualification of a city judge. The qualifications to hold the office of city judge shall be set by ordinance by the commission. The ordinance shall be consistent with any rules adopted by the Montana supreme court on city judge qualifications.

Section 3. There is a new R.C.M. section numbered 11-3271.2 that reads as follows:

11-3271.2. Initial election. The first election of a city judge under this act shall be held in conjunction with the next regularly scheduled municipal election held 30 days or more after the effective date of this act.

Section 4. There is a new R.C.M. section numbered 11-3271.3 that reads as follows:

11-3271.3. Vacancy in the office of city judge. If a vacancy occurs in the office of city judge, the commission shall appoint a qualified individual to serve for the remainder of the term.

Section 5. **Effective date.** This act is effective on its passage and approval.

Approved April 4, 1977.

CHAPTER NO. 220

AN ACT TO PROVIDE FOR A STATUTE OF LIMITATIONS FOR LEGAL MALPRACTICE ACTIONS AND TO CLARIFY THE EFFECT OF DISABILITIES ON STATUTES OF LIMITATIONS; AMENDING SECTION 93-2703, R.C.M. 1947.

Be it enacted by the Legislature of the State of Montana:

Section 1. There is a new R.C.M. section numbered 93-2625 that reads as follows:

93-2625. Actions for legal malpractice. An action against an attorney licensed to practice law in Montana, or a paralegal assistant or a legal intern employed by an attorney, based upon the person's alleged professional negligent act or for error or omission in the person's practice must be commenced within 3 years after the plaintiff discovers, or through the use of reasonable diligence should have discovered the act, error, or omission, whichever occurs last, but in no case may the action be commenced after 10 years from the date of the act, error, or omission.

Section 2. Section 93-2703, R.C.M. 1947, is amended to read as follows:

"93-2703. Exception as to persons under disabilities. If a person entitled to bring an action, mentioned in *Title 93, chapter 26*, be, at the time the cause of action accrued, either:

1. Within the age of majority; or,
 2. Insane; or,
 3. Imprisoned on a criminal charge, or in execution under the sentence of a criminal court for a term less than for life;
- the time of such disability is not a part of the time limited in sections 93-2401 to 93-2720 for commencing the action; except that the time so limited cannot be extended more than five years by any such disability, except infancy; or, in any case, more than one year after the disability ceases."

Approved April 4, 1977.